

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to information technology management;
7 creating s. 282.0051, F.S.; providing legislative findings
8 and intent; providing definitions; providing each agency
9 use an information technology investment management
10 process to support investment decisions; requiring each
11 agency to submit its information technology portfolio as
12 part of its legislative budget request; requiring that
13 agencies implement and administer a project management
14 methodology; providing requirements for project
15 administration; amending s. 20.22, F.S.; establishing the
16 Technology Program in the Department of Management
17 Services; creating the Florida Technology Council;
18 removing duty of the State Technology Office to operate
19 and manage the Technology Resource Center; repealing s.
20 186.022, F.S., relating to Information technology
21 strategic plans; amending s. 216.0446, F.S.; revising
22 duties of the legislative Technology Review Workgroup to
23 remove participation of the State Technology Office;

24 conforming reference to a report; repealing s.
 25 216.292(1)(c), F.S., relating to provisions authorizing
 26 transfer of positions and appropriations in fiscal year
 27 2001-2002 for the purpose of consolidating information
 28 technology resources; amending s. 282.0041, F.S.; revising
 29 definitions for purposes of information resources
 30 management; defining the terms "department" and "Florida
 31 Technology Council"; deleting the Agency Annual Enterprise
 32 Resource Planning and Management Report; deleting the
 33 State Annual Report on Enterprise Resource Planning and
 34 Management; providing for appointment of an agency chief
 35 information officer by the agency head; repealing s.
 36 282.005, F.S., relating to Legislative findings and
 37 intent; creating s. 282.0055, F.S.; limiting actions by
 38 the Florida Technology Council which affect a Cabinet
 39 officer; amending s. 282.102, F.S.; removing provisions
 40 for the creation, powers, and duties of the State
 41 Technology Office; removing provisions for a Chief
 42 Information Officer and a State Chief Privacy Officer;
 43 removing provisions relating to information technology and
 44 enterprise resource management; providing powers, duties,
 45 and functions of the Department of Management Services for
 46 operating the statewide communications system;
 47 transferring powers and duties relating to communications
 48 systems from the State Technology Office to the Department
 49 of Management Services; authorizing the department to
 50 adopt rules; authorizing the department to set a fee for
 51 placement of certain telecommunications facilities on

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52 | state property; creating s. 282.1065, F.S.; authorizing
53 | the department to provide SUNCOM services to hospitals or
54 | other facilities licensed under ch. 395, F.S.; amending
55 | ss. 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095,
56 | and 282.111, F.S., relating to the SUNCOM Network, the
57 | state agency law enforcement radio system and
58 | interoperability network, and the statewide system of
59 | regional law enforcement communications to conform
60 | references to changes made by the act; amending s. 282.20,
61 | F.S.; providing for operation and management of the
62 | Technology Resource Center by the Department of Management
63 | Services; amending s. 282.21, F.S.; authorizing the
64 | department to collect fees for providing remote electronic
65 | access; removing provisions for collection of such fees by
66 | the State Technology Office; amending s. 282.22, F.S.;
67 | providing for dissemination of materials, products,
68 | information, and services acquired or developed by or
69 | under the direction of the department; removing reference
70 | to the State Technology Office with respect to such
71 | materials, products, information, and services; repealing
72 | s. 282.23, F.S., relating to establishment of a State
73 | Strategic Information Technology Alliance for the
74 | acquisition and use of information technology and related
75 | material; creating s. 282.3025, F.S.; providing for
76 | creation, powers, and duties of the Florida Technology
77 | Council within the Department of Management Services;
78 | providing for a State Chief Information Officer appointed
79 | by the Governor; providing for development of a Statewide

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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80 Information Technology Strategic Plan, enterprise
 81 information technology policies, standards, guidelines,
 82 and procedures, a model agency information technology
 83 investment management process and an information
 84 technology investment portfolio, and memoranda on
 85 recommended guidelines and best practices for information
 86 technology; providing for review and recommendations to
 87 the Governor and the Legislature regarding agency
 88 information technology projects and plans; providing for
 89 preparation of state reports and memoranda; providing
 90 rulemaking authority; amending s. 282.3031, F.S.; deleting
 91 assignment of certain information technology functions to
 92 the State Technology Office; conforming terminology;
 93 repealing s. 282.3032, F.S., relating to guiding
 94 principles for development and implementation of
 95 information systems; amending s. 282.3055, F.S.; providing
 96 for appointment of the agency chief information officer by
 97 the agency head; providing for staffing and supporting of
 98 an agency information technology investment board;
 99 conforming terminology; repealing s. 282.3063, F.S.,
 100 relating to the Agency Annual Enterprise Resource Planning
 101 and Management Report; repealing s. 282.310, F.S.,
 102 relating to the State Annual Report on Enterprise Resource
 103 Planning and Management; amending s. 282.315, F.S.;
 104 revising duties of the Agency Chief Information Officers
 105 Council; providing for the council to assist the Florida
 106 Technology Council for certain purposes, identify
 107 opportunities to meet specified information technology

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108 guidelines, and make certain recommendations to the
 109 Florida Technology Council; providing for the appointment
 110 and terms of officers; amending s. 282.318, F.S.; changing
 111 the popular name; removing responsibility of the State
 112 Technology Office; providing that each agency head is
 113 responsible and accountable for ensuring an adequate level
 114 of security for data and information; providing for
 115 certain security requirements to be determined by the
 116 department; conforming terminology; amending s. 282.322,
 117 F.S., removing a procedure to monitor certain information
 118 resources management projects; amending ss. 365.171 and
 119 365.172, F.S., relating to statewide emergency telephone
 120 number systems; designating duties of the State Technology
 121 Office as duties of the Department of Management Services;
 122 conforming requirements with respect thereto; amending s.
 123 445.049, F.S., relating to the Digital Divide Council;
 124 designating duties of the State Technology Office as
 125 duties of the Department of Management Services; providing
 126 an effective date.

127

128 Be It Enacted by the Legislature of the State of Florida:

129

130 Section 1. Section 282.0051, Florida Statutes, is created
 131 to read:

132 282.0051 Information technology management.--

133 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 134 finds that the state needs an information technology
 135 architecture to support the business needs of individual

136 agencies while optimizing the state's collective use of
 137 information technology through integration, coordination,
 138 consolidation, and sharing. It is the intent of the Legislature
 139 that:

140 (a) The state shall make governmental information and
 141 services more accessible to citizens by developing a statewide
 142 internet portal presence, a state e-mail system, and state
 143 security protocols.

144 (b) Each state agency shall develop and implement
 145 information technology in the best interest of the state by
 146 whatever means are cost effective and efficient, are nonvendor
 147 specific systems, and maximize use of shared data and resources.

148 (c) Agency information technology investments must be
 149 governed responsibly, consistent with fiscal and substantive
 150 policies established by the Legislature, and aligned with
 151 business needs.

152 (2) DEFINITIONS.--As used in this section, the term:

153 (a) "Agency information technology investment management"
 154 means an analytical decisionmaking process that is used to
 155 systematically prioritize, select, and manage information
 156 technology investments for the agency.

157 (b) "Information technology investment" means the cost
 158 associated with agency resources, hardware, software, or
 159 contracted services that are required to provide information
 160 technology services and to initiate approved information
 161 technology projects.

162 (c) "Information technology portfolio" means the aggregate
 163 list of information technology investments aligned with agency
 164 business needs.

165 (d) "Information technology services" means the strategic
 166 and nonstrategic information technology services used to enable
 167 agency business processes and as further defined in the
 168 legislative budget instructions developed pursuant to s.
 169 216.023.

170 (e) "Information technology services catalog" means a
 171 report defining and describing each information technology
 172 service.

173 (f) "Project management" means a set of disciplines
 174 required for planning, organizing, managing, implementing, and
 175 controlling organizational and fiscal resources in order to
 176 complete information technology projects.

177 (g) "Service level agreement" means a written agreement
 178 between a service provider and the agency which describes each
 179 service to be provided and documents the required service
 180 objectives and service levels for a service. Service providers
 181 include external providers, internal providers, and other agency
 182 providers.

183 (3) AGENCY INFORMATION TECHNOLOGY INVESTMENT MANAGEMENT
 184 PROCESS.--The agency information technology investment
 185 management process shall be used as the primary tool to support
 186 the information technology investment decisions of each agency.
 187 The agency shall adopt the model portfolio management process
 188 developed pursuant to s. 282.3025(2)(d) and may adjust the model

189 to meet agency-specific organizational needs subject to the
 190 approval of the Agency Chief Information Officers Council.

191 (a) The investment management process shall:

192 1. Be administered by the agency head and include
 193 executive managers from across the agency's program areas.

194 2. Define initiatives using a comprehensive, uniform
 195 format.

196 3. Evaluate initiatives using an objective framework.

197 4. Prioritize initiatives and match initiatives to
 198 resources.

199 5. Manage the portfolio and the process proactively.

200 (b) Agency-approved initiatives which become information
 201 technology projects are subject to the requirements of
 202 subsection (4). New initiatives requiring funding shall be
 203 submitted in the agency's legislative budget request pursuant to
 204 s. 216.023.

205 (c) The agency shall prepare an information technology
 206 portfolio in a format prescribed in the legislative budget
 207 instructions pursuant to s. 216.023. The portfolio shall
 208 include, but need not be limited to:

209 1. A summary statement of the agency's mission, goals, and
 210 objectives for information technology which are supported
 211 through the agency's information technology portfolio.

212 2. Identification of projects and resources required to
 213 meet the objectives of the portfolio.

214 3. The agency information technology services catalog with
 215 services linked to business processes or business needs.

216 4. Implementation schedules estimating the time and
 217 funding required to implement information technology projects.

218 5. Funding needed to implement information technology
 219 services identified in the information technology services
 220 catalog.

221 (d) The agency shall submit its information technology
 222 portfolio as part of its legislative budget request in the
 223 manner and form prescribed in the legislative budget request
 224 instructions as provided in s. 216.023.

225 (4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.--

226 (a) Each agency shall implement the project management
 227 methodology developed pursuant to s. 282.3025(2)(c). The agency
 228 may make adjustment based on their specific organizational needs
 229 and subject to the approval of the Agency Chief Information
 230 Officers Council.

231 (b) Information technology projects shall be administered
 232 according to the following requirements:

233 1. Projects that refresh desktop units or infrastructure
 234 equipment with new technology that is similar to the technology
 235 currently in use are exempt from the project planning and
 236 reporting requirements in this section unless otherwise
 237 specified in the General Appropriations Act.

238 2. For projects with a total cost ranging from \$500,000 to
 239 \$1,999,999, the agency must appoint a project manager to ensure
 240 that needed project planning and management requirements are
 241 fulfilled.

242 3. For projects with a total cost ranging from \$500,000 to
 243 \$2 million which involve routine hardware or software upgrades

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244 for a single agency, the agency must appoint a project manager
 245 to timely deploy and implement the upgrade. Should the project
 246 be considered high-risk, the project manager shall ensure that
 247 needed project planning and management requirements are
 248 fulfilled.

249 4. For projects with a total cost ranging from \$2 million
 250 to \$10 million, the agency must appoint a project manager to
 251 ensure that needed project planning and management requirements
 252 are fulfilled. For projects in this range which are determined
 253 to impact the general public or which affect an agency's
 254 organizational structure, business processes, or service
 255 delivery model, the agency must appoint a dedicated project
 256 manager and project management team to ensure that all project
 257 planning and management requirements are fulfilled.

258 5. For any project with a total cost greater than \$10
 259 million, the agency must appoint a dedicated project manager and
 260 project management team to ensure that all project planning and
 261 management requirements are fulfilled.

262 Section 2. Section 20.22, Florida Statutes, is amended to
 263 read:

264 20.22 Department of Management Services.--There is created
 265 a Department of Management Services.

266 (1) The head of the Department of Management Services is
 267 the Secretary of Management Services, who shall be appointed by
 268 the Governor, subject to confirmation by the Senate, and shall
 269 serve at the pleasure of the Governor.

270 (2) The following divisions and programs within the
 271 Department of Management Services are established:

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- 272 (a) Facilities Program.
- 273 (b) ~~State Technology Program Office.~~
- 274 (c) Workforce Program.
- 275 (d)1. Support Program.
- 276 2. Federal Property Assistance Program.
- 277 (e) Administration Program.
- 278 (f) Division of Administrative Hearings.
- 279 (g) Division of Retirement.
- 280 (h) Division of State Group Insurance.
- 281 (i) Florida Technology Council.

282 ~~(3) The State Technology Office shall operate and manage~~
 283 ~~the Technology Resource Center.~~

284 (3)~~(4)~~ The duties of the Chief Labor Negotiator shall be
 285 determined by the Secretary of Management Services, and must
 286 include, but need not be limited to, the representation of the
 287 Governor as the public employer in collective bargaining
 288 negotiations pursuant to the provisions of chapter 447.

289 Section 3. Section 186.022, Florida Statutes, is repealed.

290 Section 4. Section 216.0446, Florida Statutes, is amended
 291 to read:

292 216.0446 Review of information resources management
 293 needs.--

294 (1) There is created within the Legislature the Technology
 295 Review Workgroup. The workgroup ~~and the State Technology Office~~
 296 shall ~~independently~~ review and make recommendations with respect
 297 to the portion of agencies' long-range program plans which
 298 pertains to information technology ~~resources management~~ needs
 299 and with respect to agencies' legislative budget requests for

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300 information technology and related resources. The Technology
301 Review Workgroup shall report such recommendations, together
302 with the findings and conclusions on which such recommendations
303 are based, to the Legislative Budget Commission. ~~The State~~
304 ~~Technology Office shall report such recommendations, together~~
305 ~~with the findings and conclusions on which such recommendations~~
306 ~~are based, to the Executive Office of the Governor and to the~~
307 ~~chairs of the legislative appropriations committees.~~

308 (2) In addition to its primary duty specified in
309 subsection (1), the Technology Review Workgroup shall have
310 powers and duties that include, but are not limited to, the
311 following:

312 (a) To evaluate the information resource management needs
313 identified in the agency long-range program plans for
314 consistency with the State Annual Information Technology
315 Investment Portfolio Report ~~on Enterprise Resource Planning and~~
316 ~~Management~~ and statewide policies recommended by the State
317 Technology Office, and make recommendations to the Legislative
318 Budget Commission.

319 (b) To review and make recommendations to the Legislative
320 Budget Commission on proposed budget amendments and agency
321 transfers associated with information technology initiatives or
322 projects that involve more than one agency, that have an outcome
323 that impacts another agency, that exceed \$500,000 in total cost
324 over a 1-year period, or that are requested by the Legislative
325 Budget Commission to be reviewed.

326 Section 5. Pursuant to section 216.351, Florida Statutes,
 327 paragraph (c) of subsection (1) of section 216.292, Florida
 328 Statutes, is repealed.

329 Section 6. Section 282.0041, Florida Statutes, is amended
 330 to read:

331 282.0041 Definitions.--For the purposes of this part, the
 332 term:

333 (1) "Agency" means those entities described in s.
 334 216.011(1)(qq).

335 ~~(2) "Agency Annual Enterprise Resource Planning and~~
 336 ~~Management Report" means the report prepared by each agency~~
 337 ~~chief information officer as required by s. 282.3063.~~

338 (2)(3) "Agency chief information officer" means the person
 339 appointed by the agency head State Technology Office to
 340 coordinate and manage the information technology policies and
 341 activities applicable to that agency.

342 (3)(4) "Agency Chief Information Officers Council" means
 343 the council created in s. 282.315 to facilitate the sharing and
 344 coordination of information technology issues and initiatives
 345 among the agencies.

346 (4) "Department" means the Department of Management
 347 Services.

348 (5) "Florida Technology Council" or "council" means the
 349 organization created in s. 282.3025.

350 (6)(7) "Information technology" means equipment, hardware,
 351 software, firmware, programs, systems, networks, infrastructure,
 352 media, and related material used to automatically,
 353 electronically, and wirelessly collect, receive, access,

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354 transmit, display, store, record, retrieve, analyze, evaluate,
355 process, classify, manipulate, manage, assimilate, control,
356 communicate, exchange, convert, converge, interface, switch, or
357 disseminate information of any kind or form.

358 ~~(7)(5)~~ "Information technology Enterprise resources
359 ~~management~~ infrastructure" means the hardware, software,
360 networks, data, human resources, policies, standards,
361 facilities, maintenance, and related materials and services that
362 are required to support the business processes of an agency or
363 state enterprise.

364 ~~(8)(6)~~ "Information technology Enterprise resource
365 planning and management" means the planning, budgeting,
366 acquiring, developing, organizing, directing, training, control,
367 and related services associated with government information
368 technology. The term encompasses information and related
369 resources, as well as the controls associated with their
370 acquisition, development, dissemination, and use.

371 ~~(9)(8)~~ "Project" means an undertaking directed at the
372 implementation accomplishment of information technology to
373 achieve a strategic objective ~~relating to enterprise resources~~
374 ~~management~~ or a specific appropriated program.

375 ~~(9)~~ ~~"State Annual Report on Enterprise Resource Planning~~
376 ~~and Management"~~ means the report prepared by the State
377 ~~Technology Office as defined in s. 282.102.~~

378 (10) "Standards" means the generally accepted definitions
379 for information technology which promote the use of current,
380 open, nonproprietary, or non-vendor-specific technologies.

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381 ~~(11) "State Technology Office" or "office" means the~~
382 ~~office created in s. 282.102.~~

383 ~~(12) "Total cost" means all costs associated with~~
384 ~~information technology projects or initiatives, including, but~~
385 ~~not limited to, value of hardware, software, service,~~
386 ~~maintenance, incremental personnel, and facilities. Total cost~~
387 ~~of a loan or gift of information technology resources to an~~
388 ~~agency includes the fair market value of the resources, except~~
389 ~~that the total cost of loans or gifts of information technology~~
390 ~~to state universities to be used in instruction or research does~~
391 ~~not include fair market value.~~

392 Section 7. Section 282.005, Florida Statutes, is repealed.

393 Section 8. Section 282.0055, Florida Statutes, is created
394 to read:

395 282.0055 Limitation with respect to cabinet
396 personnel.--The Florida Technology Council may not take action
397 affecting the supervision, control, management, or coordination
398 of information technology and information technology personnel
399 that any cabinet officer listed in s. 4, Art. IV of the State
400 Constitution deems necessary for the exercise of his or her
401 statutory or constitutional duties.

402 Section 9. Section 282.102, Florida Statutes, is amended
403 to read:

404 282.102 Creation of the State Technology Office; Powers
405 and duties of the Department of Management Services relating to
406 state communications system.--There is created a State
407 Technology Office within The Department of Management Services.
408 The office shall be a separate budget entity, and shall be

409 ~~headed by a Chief Information Officer who is appointed by the~~
 410 ~~Governor and is in the Senior Management Service. The Chief~~
 411 ~~Information Officer shall be an agency head for all purposes.~~
 412 ~~The Department of Management Services shall provide~~
 413 ~~administrative support and service to the office to the extent~~
 414 ~~requested by the Chief Information Officer. The office may adopt~~
 415 ~~policies and procedures regarding personnel, procurement, and~~
 416 ~~transactions for State Technology Office personnel. The office~~
 417 shall have the following powers, duties, and functions in
 418 operating the statewide communications system:

419 (1) To publish electronically the portfolio of services
 420 available from the department ~~office~~, including pricing
 421 information; the policies and procedures of the department
 422 ~~office~~ governing usage of available services; and a forecast of
 423 the priorities and initiatives for the state communications
 424 system for the ensuing 2 years.

425 ~~(2) To adopt rules implementing policies and procedures~~
 426 ~~providing best practices to be followed by agencies in~~
 427 ~~acquiring, using, upgrading, modifying, replacing, or disposing~~
 428 ~~of information technology.~~

429 ~~(3) To perform, in consultation with an agency, the~~
 430 ~~enterprise resource planning and management for the agency.~~

431 (2)(4) To advise and render aid to state agencies and
 432 political subdivisions of the state as to systems or methods to
 433 be used for organizing and meeting communications information
 434 ~~technology~~ requirements efficiently and effectively.

435 ~~(5) To integrate the information technology systems and~~
 436 ~~services of state agencies.~~

437 ~~(3)(6)~~ To adopt technical standards for the state
438 communications information technology system which will assure
439 the interconnection of computer networks and information systems
440 of agencies.

441 ~~(4)(7)~~ To assume management responsibility for any
442 consolidated communications system ~~integrated information~~
443 ~~technology system~~ or service when determined jointly by the
444 department and the agency ~~office~~ to be economically efficient or
445 performance-effective.

446 ~~(5)(8)~~ To enter into agreements ~~related to information~~
447 ~~technology~~ with state agencies and political subdivisions of the
448 state for services provided herein.

449 ~~(6)(9)~~ To use and acquire, with agency concurrence,
450 communications facilities ~~information technology~~ now owned or
451 operated by any agency.

452 ~~(7)(10)~~ To purchase from or contract with information
453 technology providers for communications facilities and services
454 ~~information technology~~, including private line services.

455 ~~(8)(11)~~ To apply for, receive, and hold, and to assist
456 agencies in applying for, receiving, or holding, such
457 authorizations, patents, copyrights, trademarks, service marks,
458 licenses, and allocations or channels and frequencies to carry
459 out the purposes of this part.

460 ~~(9)(12)~~ To purchase, lease, or otherwise acquire and to
461 hold, sell, transfer, license, or otherwise dispose of real,
462 personal, and intellectual property, including, but not limited
463 to, patents, trademarks, copyrights, and service marks.

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464 (10)~~(13)~~ To cooperate with any federal, state, or local
465 emergency management agency in providing for emergency
466 communications services.

467 (11)~~(14)~~ To delegate, as necessary, to state agencies the
468 authority to purchase, lease, or otherwise acquire and to use
469 communications equipment, facilities, and services ~~information~~
470 ~~technology~~ or, as necessary, to control and approve the
471 purchase, lease, or acquisition and the use of all
472 communications equipment, services, and facilities ~~information~~
473 ~~technology~~, including, but not limited to, communications
474 services provided as part of any other total system to be used
475 by the state or any of its agencies.

476 (12)~~(15)~~ To acquire ownership, possession, custody, and
477 control of existing communications equipment and facilities,
478 including all right, title, interest, and equity therein, as
479 necessary, to carry out the purposes of this part. However, the
480 provisions of this subsection shall in no way affect the rights,
481 title, interest, or equity in any such equipment or facilities
482 owned by, or leased to, the state or any state agency by any
483 telecommunications company.

484 (13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and
485 120.54 relating to information technology ~~and~~ to administer the
486 provisions of this part.

487 (14)~~(17)~~ To provide a means whereby political subdivisions
488 of the state may use state information technology systems upon
489 such terms and under such conditions as the department ~~office~~
490 may establish.

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491 (15)~~(18)~~ To apply for and accept federal funds for any of
492 the purposes of this part as well as gifts and donations from
493 individuals, foundations, and private organizations.

494 (16)~~(19)~~ To monitor issues relating to communications
495 facilities and services before the Florida Public Service
496 Commission and, when necessary, prepare position papers, prepare
497 testimony, appear as a witness, and retain witnesses on behalf
498 of state agencies in proceedings before the commission.

499 (17)~~(20)~~ Unless delegated to the agencies ~~by the Chief~~
500 ~~Information Officer~~, to manage and control, but not intercept or
501 interpret, communications within the SUNCOM Network by:

502 (a) Establishing technical standards to physically
503 interface with the SUNCOM Network.

504 (b) Specifying how communications are transmitted within
505 the SUNCOM Network.

506 (c) Controlling the routing of communications within the
507 SUNCOM Network.

508 (d) Establishing standards, policies, and procedures for
509 access to the SUNCOM Network.

510 (e) Ensuring orderly and reliable communications services
511 in accordance with the service level agreements executed with
512 state agencies.

513 (18)~~(21)~~ To plan, design, and conduct experiments for
514 information technology services, equipment, and technologies,
515 and to implement enhancements in the state information
516 technology system when in the public interest and cost-
517 effective. Funding for such experiments shall be derived from
518 SUNCOM Network service revenues and shall not exceed 2 percent

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519 | of the annual budget for the SUNCOM Network for any fiscal year
 520 | or as provided in the General Appropriations Act. New services
 521 | offered as a result of this subsection shall not affect existing
 522 | rates for facilities or services.

523 | ~~(19)(22)~~ To enter into contracts or agreements, with or
 524 | without competitive bidding or procurement, to make available,
 525 | on a fair, reasonable, and nondiscriminatory basis, property and
 526 | other structures under department ~~office~~ control for the
 527 | placement of new facilities by any wireless provider of mobile
 528 | service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
 529 | telecommunications company as defined in s. 364.02 when it is
 530 | determined to be practical and feasible to make such property or
 531 | other structures available. The department ~~office~~ may, without
 532 | adopting a rule, charge a just, reasonable, and
 533 | nondiscriminatory fee for the placement of the facilities,
 534 | payable annually, based on the fair market value of space used
 535 | by comparable communications facilities in the state. The
 536 | department ~~office~~ and a wireless provider or telecommunications
 537 | company may negotiate the reduction or elimination of a fee in
 538 | consideration of services provided to the department ~~office~~ by
 539 | the wireless provider or telecommunications company. All such
 540 | fees collected by the department ~~office~~ shall be deposited
 541 | directly into the Law Enforcement Radio Operating Trust Fund,
 542 | and may be used by the department ~~office~~ to construct, maintain,
 543 | or support the system.

544 | ~~(20)(23)~~ To provide an integrated electronic system for
 545 | deploying government products, services, and information to
 546 | individuals and businesses which reflects cost-effective

547 deployment strategies in keeping with industry standards and
 548 practices and includes protections and security of private
 549 information as well as maintenance of public records.

550 ~~(a) The integrated electronic system shall reflect cost-~~
 551 ~~effective deployment strategies in keeping with industry~~
 552 ~~standards and practices, including protections and security of~~
 553 ~~private information as well as maintenance of public records.~~

554 ~~(b) The office shall provide a method for assessing fiscal~~
 555 ~~accountability for the integrated electronic system and shall~~
 556 ~~establish the organizational structure required to implement~~
 557 ~~this system.~~

558 ~~(24) To provide administrative support to the Agency Chief~~
 559 ~~Information Officers Council and other workgroups created by the~~
 560 ~~Chief Information Officer.~~

561 ~~(25) To facilitate state information technology education~~
 562 ~~and training for senior management and other agency staff.~~

563 ~~(26) To prepare, on behalf of the Executive Office of the~~
 564 ~~Governor, memoranda on recommended guidelines and best practices~~
 565 ~~for information resources management, when requested.~~

566 ~~(27) To prepare, publish, and disseminate the State Annual~~
 567 ~~Report on Enterprise Resource Planning and Management under s.~~
 568 ~~282.310.~~

569 ~~(28) To study and make a recommendation to the Governor~~
 570 ~~and Legislature on the feasibility of implementing online voting~~
 571 ~~in this state.~~

572 ~~(29) To facilitate the development of a network access~~
 573 ~~point in this state, as needed.~~

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574 ~~(30) To designate a State Chief Privacy Officer who shall~~
 575 ~~be responsible for the continual review of policies, laws,~~
 576 ~~rules, and practices of state agencies which may affect the~~
 577 ~~privacy concerns of state residents.~~

578 Section 10. Section 282.103, Florida Statutes, is amended
 579 to read:

580 282.103 SUNCOM Network; exemptions from the required
 581 use.--

582 (1) There is created within the Department of Management
 583 Services ~~State Technology Office~~ the SUNCOM Network which shall
 584 be developed to serve as the state communications system for
 585 providing local and long-distance communications services to
 586 state agencies, political subdivisions of the state,
 587 municipalities, state universities, and nonprofit corporations
 588 pursuant to ss. 282.101-282.111. The SUNCOM Network shall be
 589 developed to transmit all types of communications signals,
 590 including, but not limited to, voice, data, video, image, and
 591 radio. State agencies shall cooperate and assist in the
 592 development and joint use of communications systems and
 593 services.

594 (2) The department ~~State Technology Office~~ shall design,
 595 engineer, implement, manage, and operate through state
 596 ownership, commercial leasing, or some combination thereof, the
 597 facilities and equipment providing SUNCOM Network services, and
 598 shall develop a system of equitable billings and charges for
 599 communication services.

600 (3) All state agencies and state universities are required
 601 to use the SUNCOM Network for agency and state university

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602 | ~~communications services as the services become available;~~
 603 | however, no agency or university is relieved of responsibility
 604 | for maintaining communications services necessary for effective
 605 | management of its programs and functions. If a SUNCOM Network
 606 | service does not meet the communications requirements of an
 607 | agency or university, the agency or university shall notify the
 608 | department ~~State Technology Office~~ in writing and detail the
 609 | requirements for that communications service. If the department
 610 | ~~office~~ is unable to meet an agency's or university's
 611 | requirements by enhancing SUNCOM Network service, the department
 612 | ~~office~~ may grant the agency or university an exemption from the
 613 | required use of specified SUNCOM Network services.

614 | Section 11. Section 282.104, Florida Statutes, is amended
 615 | to read:

616 | 282.104 Use of state SUNCOM Network by
 617 | municipalities.--Any municipality may request the department
 618 | ~~State Technology Office~~ to provide any or all of the SUNCOM
 619 | Network's portfolio of communications services upon such terms
 620 | and under such conditions as the department ~~office~~ may
 621 | establish. The requesting municipality shall pay its share of
 622 | installation and recurring costs according to the published
 623 | rates for SUNCOM Network services and as invoiced by the
 624 | department ~~office~~. Such municipality shall also pay for any
 625 | requested modifications to existing SUNCOM Network services, if
 626 | any charges apply.

627 | Section 12. Section 282.105, Florida Statutes, is amended
 628 | to read:

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629 282.105 Use of state SUNCOM Network by nonprofit
630 corporations.--

631 (1) The department ~~State Technology Office~~ shall provide a
632 means whereby private nonprofit corporations under contract with
633 state agencies or political subdivisions of the state may use
634 the state SUNCOM Network, subject to the limitations in this
635 section. In order to qualify to use the state SUNCOM Network, a
636 nonprofit corporation shall:

637 (a) Expend the majority of its total direct revenues for
638 the provision of contractual services to the state, a
639 municipality, or a political subdivision of the state; and

640 (b) Receive only a small portion of its total revenues
641 from any source other than a state agency, a municipality, or a
642 political subdivision of the state during the period of time
643 SUNCOM Network services are requested.

644 (2) Each nonprofit corporation seeking authorization to
645 use the state SUNCOM Network pursuant to this section shall
646 provide to the department ~~office~~, upon request, proof of
647 compliance with subsection (1).

648 (3) Nonprofit corporations established pursuant to general
649 law and an association of municipal governments which is wholly
650 owned by the municipalities shall be eligible to use the state
651 SUNCOM Network, subject to the terms and conditions of the
652 department ~~office~~.

653 (4) Institutions qualified to participate in the William
654 L. Boyd, IV, Florida Resident Access Grant Program pursuant to
655 s. 1009.89 shall be eligible to use the state SUNCOM Network,
656 subject to the terms and conditions of the department ~~office~~.

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657 Such entities shall not be required to satisfy the other
658 criteria of this section.

659 (5) Private, nonprofit elementary and secondary schools
660 shall be eligible for rates and services on the same basis as
661 public schools, providing these nonpublic schools do not have an
662 endowment in excess of \$50 million.

663 Section 13. Section 282.106, Florida Statutes, is amended
664 to read:

665 282.106 Use of SUNCOM Network by libraries.--The
666 department State Technology Office may provide SUNCOM Network
667 services to any library in the state, including libraries in
668 public schools, community colleges, state universities, and
669 nonprofit private postsecondary educational institutions, and
670 libraries owned and operated by municipalities and political
671 subdivisions.

672 Section 14. Section 282.1065, Florida Statutes, is created
673 to read:

674 282.1065 Use of SUNCOM Network by hospitals.-- The
675 department may provide SUNCOM Network services to hospitals or
676 other facilities licensed under chapter 395 and their state
677 associations who currently contract with or provide services on
678 behalf of state or local governments.

679 Section 15. Section 282.107, Florida Statutes, is amended
680 to read:

681 282.107 SUNCOM Network; criteria for usage.--

682 (1) The department State Technology Office shall
683 periodically review the qualifications of subscribers using the
684 state SUNCOM Network and shall terminate services provided to

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685 any facility not qualified pursuant to ss. 282.101-282.111 or
686 rules adopted hereunder. In the event of nonpayment of invoices
687 by subscribers whose SUNCOM Network invoices are paid from
688 sources other than legislative appropriations, such nonpayment
689 represents good and sufficient reason to terminate service.

690 (2) The department ~~State Technology Office~~ shall adopt
691 rules setting forth its procedures for withdrawing and restoring
692 authorization to use the state SUNCOM Network. Such rules shall
693 provide a minimum of 30 days' notice to affected parties prior
694 to termination of voice communications service.

695 (3) Nothing in this section shall be construed to limit or
696 restrict the ability of the Florida Public Service Commission to
697 set jurisdictional tariffs of telecommunications companies.

698 Section 16. Section 282.1095, Florida Statutes, is amended
699 to read:

700 282.1095 State agency law enforcement radio system and
701 interoperability network.--

702 (1) The department ~~State Technology Office~~ may acquire and
703 implement a statewide radio communications system to serve law
704 enforcement units of state agencies, and to serve local law
705 enforcement agencies through mutual aid channels. The Joint Task
706 Force on State Agency Law Enforcement Communications is
707 established in the department ~~State Technology Office~~ to advise
708 the department ~~office~~ of member-agency needs for the planning,
709 designing, and establishment of the joint system. The State
710 Agency Law Enforcement Radio System Trust Fund is established in
711 the department ~~State Technology Office~~. The trust fund shall be
712 funded from surcharges collected under ss. 320.0802 and 328.72.

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713 (2)(a) The Joint Task Force on State Agency Law
714 Enforcement Communications shall consist of eight members, as
715 follows:

716 1. A representative of the Division of Alcoholic Beverages
717 and Tobacco of the Department of Business and Professional
718 Regulation who shall be appointed by the secretary of the
719 department.

720 2. A representative of the Division of Florida Highway
721 Patrol of the Department of Highway Safety and Motor Vehicles
722 who shall be appointed by the executive director of the
723 department.

724 3. A representative of the Department of Law Enforcement
725 who shall be appointed by the executive director of the
726 department.

727 4. A representative of the Fish and Wildlife Conservation
728 Commission who shall be appointed by the executive director of
729 the commission.

730 5. A representative of the Division of Law Enforcement of
731 the Department of Environmental Protection who shall be
732 appointed by the secretary of the department.

733 6. A representative of the Department of Corrections who
734 shall be appointed by the secretary of the department.

735 7. A representative of the Division of State Fire Marshal
736 of the Department of Financial Services who shall be appointed
737 by the State Fire Marshal.

738 8. A representative of the Department of Transportation
739 who shall be appointed by the secretary of the department.

740 (b) Each appointed member of the joint task force shall
 741 serve at the pleasure of the appointing official. Any vacancy on
 742 the joint task force shall be filled in the same manner as the
 743 original appointment. Any joint task force member may, upon
 744 notification to the chair prior to the beginning of any
 745 scheduled meeting, appoint an alternative to represent the
 746 member on the task force and vote on task force business in his
 747 or her absence.

748 (c) The joint task force shall elect a chair from among
 749 its members to serve a 1-year term. A vacancy in the chair of
 750 the joint task force must be filled for the remainder of the
 751 unexpired term by an election of the joint task force members.

752 (d) The joint task force shall meet as necessary, but at
 753 least quarterly, at the call of the chair and at the time and
 754 place designated by him or her.

755 (e) The per diem and travel expenses incurred by a member
 756 of the joint task force in attending its meetings and in
 757 attending to its affairs shall be paid pursuant to s. 112.061,
 758 from funds budgeted to the state agency that the member
 759 represents.

760 (f) The department ~~State Technology Office~~ is hereby
 761 authorized to rent or lease space on any tower under its
 762 control. The department ~~office~~ may also rent, lease, or sublease
 763 ground space as necessary to locate equipment to support
 764 antennae on the towers. The costs for use of such space shall be
 765 established by the department ~~office~~ for each site, when it is
 766 determined to be practicable and feasible to make space
 767 available. The department ~~office~~ may refuse to lease space on

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768 any tower at any site. All moneys collected by the department
 769 ~~office~~ for such rents, leases, and subleases shall be deposited
 770 directly into the Law Enforcement Radio Operating Trust Fund and
 771 may be used by the department ~~office~~ to construct, maintain, or
 772 support the system.

773 (g) The department ~~State Technology Office~~ is hereby
 774 authorized to rent, lease, or sublease ground space on lands
 775 acquired by the department ~~office~~ for the construction of
 776 privately owned or publicly owned towers. The department ~~office~~
 777 may, as a part of such rental, lease, or sublease agreement,
 778 require space on said tower or towers for antennae as may be
 779 necessary for the construction and operation of the state agency
 780 law enforcement radio system or any other state need. The
 781 positions necessary for the department ~~office~~ to accomplish its
 782 duties under this paragraph and paragraph (f) shall be
 783 established in the General Appropriations Act and shall be
 784 funded by the Law Enforcement Radio Operating Trust Fund or
 785 other revenue sources.

786 (h) The department ~~State Technology Office~~ may make the
 787 mutual aid channels in the statewide radio communications system
 788 available to federal agencies, state agencies, and agencies of
 789 the political subdivisions of the state for the purpose of
 790 public safety and domestic security. The department ~~office~~ shall
 791 exercise its powers and duties, as specified in this chapter, to
 792 plan, manage, and administer the mutual aid channels. The
 793 department ~~office~~ shall, in implementing such powers and duties,
 794 act in consultation and conjunction with the Department of Law
 795 Enforcement and the Division of Emergency Management of the

796 Department of Community Affairs, and shall manage and administer
797 the mutual aid channels in a manner that reasonably addresses
798 the needs and concerns of the involved law enforcement agencies
799 and emergency response agencies and entities.

800 (3) Upon appropriation, moneys in the trust fund may be
801 used by the department ~~office~~ to acquire by competitive
802 procurement the equipment; software; and engineering,
803 administrative, and maintenance services it needs to construct,
804 operate, and maintain the statewide radio system. Moneys in the
805 trust fund collected as a result of the surcharges set forth in
806 ss. 320.0802 and 328.72 shall be used to help fund the costs of
807 the system. Upon completion of the system, moneys in the trust
808 fund may also be used by the department ~~office~~ to provide for
809 payment of the recurring maintenance costs of the system.

810 (4)(a) The department ~~office~~ shall, in conjunction with
811 the Department of Law Enforcement and the Division of Emergency
812 Management of the Department of Community Affairs, establish
813 policies, procedures, and standards which shall be incorporated
814 into a comprehensive management plan for the use and operation
815 of the statewide radio communications system.

816 (b) The joint task force, in consultation with the
817 department ~~office~~, shall have the authority to permit other
818 state agencies to use the communications system, under terms and
819 conditions established by the joint task force.

820 (5) The department ~~office~~ shall provide technical support
821 to the joint task force and shall bear the overall
822 responsibility for the design, engineering, acquisition, and
823 implementation of the statewide radio communications system and

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824 | for ensuring the proper operation and maintenance of all system
825 | common equipment.

826 | (6)(a) The department ~~State Technology Office~~ may create
827 | and implement an interoperability network to enable
828 | interoperability between various radio communications
829 | technologies and to serve federal agencies, state agencies, and
830 | agencies of political subdivisions of the state for the purpose
831 | of public safety and domestic security. The department ~~office~~
832 | shall, in conjunction with the Department of Law Enforcement and
833 | the Division of Emergency Management of the Department of
834 | Community Affairs, exercise its powers and duties pursuant to
835 | this chapter to plan, manage, and administer the
836 | interoperability network. The department ~~office~~ may:

837 | 1. Enter into mutual aid agreements among federal
838 | agencies, state agencies, and political subdivisions of the
839 | state for the use of the interoperability network.

840 | 2. Establish the cost of maintenance and operation of the
841 | interoperability network and charge subscribing federal and
842 | local law enforcement agencies for access and use of the
843 | network. The department ~~State Technology Office~~ may not charge
844 | state law enforcement agencies identified in paragraph (2)(a) to
845 | use the network.

846 | 3. In consultation with the Department of Law Enforcement
847 | and the Division of Emergency Management of the Department of
848 | Community Affairs, amend and enhance the statewide radio
849 | communications system as necessary to implement the
850 | interoperability network.

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851 (b) The department ~~State Technology Office~~, in
 852 consultation with the Joint Task Force on State Agency Law
 853 Enforcement Communications, and in conjunction with the
 854 Department of Law Enforcement and the Division of Emergency
 855 Management of the Department of Community Affairs, shall
 856 establish policies, procedures, and standards to incorporate
 857 into a comprehensive management plan for the use and operation
 858 of the interoperability network.

859 Section 17. Section 282.111, Florida Statutes, is amended
 860 to read:

861 282.111 Statewide system of regional law enforcement
 862 communications.--

863 (1) It is the intent and purpose of the Legislature that a
 864 statewide system of regional law enforcement communications be
 865 developed whereby maximum efficiency in the use of existing
 866 radio channels is achieved in order to deal more effectively
 867 with the apprehension of criminals and the prevention of crime
 868 generally. To this end, all law enforcement agencies within the
 869 state are directed to provide the department ~~State Technology~~
 870 ~~Office~~ with any information the department ~~office~~ requests for
 871 the purpose of implementing the provisions of subsection (2).

872 (2) The department ~~State Technology Office~~ is hereby
 873 authorized and directed to develop and maintain a statewide
 874 system of regional law enforcement communications. In
 875 formulating such a system, the department ~~office~~ shall divide
 876 the state into appropriate regions and shall develop a program
 877 which shall include, but not be limited to, the following
 878 provisions:

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879 (a) The communications requirements for each county and
880 municipality comprising the region.

881 (b) An interagency communications provision which shall
882 depict the communication interfaces between municipal, county,
883 and state law enforcement entities which operate within the
884 region.

885 (c) Frequency allocation and use provision which shall
886 include, on an entity basis, each assigned and planned radio
887 channel and the type of operation, simplex, duplex, or half-
888 duplex, on each channel.

889 (3) The department ~~office~~ shall adopt any necessary rules
890 and regulations for implementing and coordinating the statewide
891 system of regional law enforcement communications.

892 (4) The secretary of the Department of Management Services
893 ~~Chief Information Officer of the State Technology Office~~ or his
894 or her designee is designated as the director of the statewide
895 system of regional law enforcement communications and, for the
896 purpose of carrying out the provisions of this section, is
897 authorized to coordinate the activities of the system with other
898 interested state agencies and local law enforcement agencies.

899 (5) No law enforcement communications system shall be
900 established or present system expanded without the prior
901 approval of the department ~~State Technology Office~~.

902 (6) Within the limits of its capability, the Department of
903 Law Enforcement is encouraged to lend assistance to the
904 department ~~State Technology Office~~ in the development of the
905 statewide system of regional law enforcement communications
906 proposed by this section.

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907 Section 18. Section 282.20, Florida Statutes, is amended
908 to read:

909 282.20 Technology Resource Center.--

910 (1)(a) The Department of Management Services ~~State~~
911 ~~Technology Office~~ shall operate and manage the Technology
912 Resource Center.

913 (b) For the purposes of this section, the term:

914 1. "Information-system utility" means a full-service
915 information-processing facility offering hardware, software,
916 operations, integration, networking, and consulting services.

917 2. "Customer" means a state agency or other entity which
918 is authorized to utilize the SUNCOM Network pursuant to this
919 part.

920 (2) The Technology Resource Center shall:

921 (a) Serve the department ~~office~~ and other customers as an
922 information-system utility.

923 (b) Cooperate with customers to offer, develop, and
924 support a wide range of services and applications needed by
925 users of the Technology Resource Center.

926 (c) Cooperate with the Florida Legal Resource Center of
927 the Department of Legal Affairs and other state agencies to
928 develop and provide access to repositories of legal information
929 throughout the state.

930 (d) Cooperate with the department ~~office~~ to facilitate
931 interdepartmental networking and integration of network services
932 for its customers.

933 (e) Assist customers in testing and evaluating new and
 934 emerging technologies that could be used to meet the needs of
 935 the state.

936 (3) The department ~~office~~ may contract with customers to
 937 provide any combination of services necessary for agencies to
 938 fulfill their responsibilities and to serve their users.

939 (4) The Technology Resource Center may plan, design,
 940 establish pilot projects for, and conduct experiments with
 941 information technology resources, and may implement enhancements
 942 in services when such implementation is cost-effective. Funding
 943 for experiments and pilot projects shall be derived from service
 944 revenues and may not exceed 5 percent of the service revenues
 945 for the Technology Resource Center for any single fiscal year.
 946 Any experiment, pilot project, plan, or design must be approved
 947 by the secretary of the department ~~Chief Information Officer~~.

948 (5) Notwithstanding the provisions of s. 216.272, the
 949 Technology Resource Center may spend funds in the reserve
 950 account of the Technology Enterprise Operating Trust Fund for
 951 enhancements to center operations or for information technology
 952 resources. Any expenditure of reserve account funds must be
 953 approved by the secretary of the department ~~Chief Information~~
 954 ~~Officer~~. Any funds remaining in the reserve account at the end
 955 of the fiscal year may be carried forward and spent as approved
 956 by the secretary ~~Chief Information Officer~~, provided that such
 957 approval conforms to any applicable provisions of chapter 216.

958 Section 19. Section 282.21, Florida Statutes, is amended
 959 to read:

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960 282.21 ~~The State Technology Office's~~ Electronic access
 961 services of the department.--The department ~~State Technology~~
 962 ~~Office~~ may collect fees for providing remote electronic access
 963 pursuant to s. 119.07(2). The fees may be imposed on individual
 964 transactions or as a fixed subscription for a designated period
 965 of time. All fees collected under this section shall be
 966 deposited in the appropriate trust fund of the program or
 967 activity that made the remote electronic access available.

968 Section 20. Section 282.22, Florida Statutes, is amended
 969 to read:

970 282.22 ~~State Technology Office;~~ Production, dissemination,
 971 and ownership of materials and products.--

972 (1) It is the intent of the Legislature that when
 973 materials, products, information, and services are acquired or
 974 developed by or under the direction of the department ~~State~~
 975 ~~Technology Office~~, through research and development or other
 976 efforts, including those subject to copyright, patent, or
 977 trademark, they shall be made available for use by state and
 978 local government entities at the earliest practicable date and
 979 in the most economical and efficient manner possible and
 980 consistent with chapter 119.

981 (2) To accomplish this objective the department may ~~office~~
 982 ~~is authorized~~ to publish or partner with private sector entities
 983 to produce or have produced materials and products and to make
 984 them readily available for appropriate use. The department may
 985 ~~office is authorized~~ to charge an amount or receive value-added
 986 services adequate to cover the essential cost of producing and

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987 disseminating such materials, information, services, or products
988 and is authorized to sell services.

989 (3) ~~If In cases in which~~ the materials or products are of
990 such nature, or the circumstances are such, that it is not
991 practicable or feasible for the department ~~office~~ to produce or
992 have produced materials and products so developed, it is
993 authorized, after review and approval by the Executive Office of
994 the Governor, to license, lease, assign, sell, or otherwise give
995 written consent to any person, firm, or corporation for the
996 manufacture or use thereof, on a royalty basis, or for such
997 other consideration as the department deems ~~office shall deem~~
998 proper and in the best interest of the state; the department
999 shall ~~office is authorized and directed to~~ protect same against
1000 improper or unlawful use or infringement ~~and~~ to enforce the
1001 collection of any sums due for the manufacture or use thereof by
1002 any other party.

1003 (4) All proceeds from the sale of such materials and
1004 products or other money collected pursuant to this section shall
1005 be deposited into the Grants and Donations Trust Fund of the
1006 department ~~office~~ and, when properly budgeted as approved by the
1007 Legislature and the Executive Office of the Governor, used to
1008 pay the cost of producing and disseminating materials and
1009 products to carry out the intent of this section.

1010 Section 21. Section 282.23, Florida Statutes, is repealed.

1011 Section 22. Section 282.3025, Florida Statutes, is created
1012 to read:

1013 282.3025 Florida Technology Council; powers and duties.--

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1014 (1) There is created a Florida Technology Council within
 1015 the Department of Management Services. The council shall be
 1016 headed by a State Chief Information Officer who is appointed by
 1017 the Governor. The Department of Management Services shall
 1018 provide administrative support and services to the council.

1019 (2) The council shall have the following powers, duties,
 1020 and functions:

1021 (a) Develop and submit by January 15, 2006, a Statewide
 1022 Information Technology Strategic Plan consistent with the
 1023 provisions of s. 282.0051(1), and in consultation with the
 1024 Agency Chief Information Officers Council. The plan must
 1025 include, but need not be limited to, a description and
 1026 recommendations as to how the state can deploy information
 1027 technology that:

1028 1. Aligns state information technology resources and
 1029 assets to achieve an enterprise perspective and focus state
 1030 investments on initiatives that provide significant improvements
 1031 in statewide service delivery and business operations.

1032 2. Makes state governmental information and services more
 1033 accessible to residents and the state's clients.

1034 3. Improves governmental efficiency and cost-
 1035 effectiveness.

1036 4. Improves security and performance of the state's
 1037 information technology infrastructure.

1038 5. Makes recommendations for changes to the statutes which
 1039 promote the findings of the report.

1040 (b) Develop enterprise information technology policies,
 1041 standards, guidelines, and procedures in consultation with and

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1042 subject to the approval of the Agency Chief Information Officers
 1043 Council, the Technology Review Workgroup, and the department,
 1044 relating to enterprise architecture, enterprise Internet portal,
 1045 business continuity and disaster recovery, security, computing,
 1046 networks, desktop equipment, and communications.

1047 (c) Recommend, in consultation with and subject to the
 1048 approval of the Agency Chief Information Officers Council and
 1049 the Technology Review Workgroup, a project management
 1050 methodology for use by the agencies to meet the provisions of s.
 1051 282.0051. The methodology shall be adopted by September 30,
 1052 2005, for distribution to the agencies.

1053 (d) Develop, in consultation with and subject to the
 1054 approval of the Agency Chief Information Officers Council and
 1055 the Technology Review Workgroup, a model agency information
 1056 technology investment management process and an information
 1057 technology investment portfolio. The model process shall be
 1058 adopted by September 30, 2005, for distribution to the agencies.

1059 (e) Review recommendations made by the Agency Chief
 1060 Information Officers Council for improving information
 1061 technology in agencies or the state and make recommendations to
 1062 the Governor and the Legislature for consideration during
 1063 legislative session.

1064 (f) Review each agency information technology investment
 1065 portfolio and make recommendations to the Governor and the
 1066 Legislature regarding opportunities consistent with s.
 1067 282.0051(1).

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1068 (g) Prepare, on behalf of the Executive Office of the
 1069 Governor, memoranda on recommended guidelines and best practices
 1070 for information technology, when requested.

1071 (3) The Florida Technology Council may adopt rules
 1072 pursuant to ss. 120.536(1) and 120.54 to administer the
 1073 provisions of this section.

1074 Section 23. Section 282.3031, Florida Statutes, is amended
 1075 to read:

1076 282.3031 Assignment of information technology planning and
 1077 ~~resources~~ management responsibilities.--For purposes of ss.
 1078 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management
 1079 of state information technology resources, and notwithstanding
 1080 other provisions of law to the contrary, the functions of
 1081 information technology planning and ~~resources~~ management are
 1082 assigned to the university boards of trustees for the
 1083 development and implementation of planning, management,
 1084 rulemaking, standards, and guidelines for the state
 1085 universities; to the community college boards of trustees for
 1086 establishing and developing rules for the community colleges; to
 1087 the Supreme Court for the judicial branch; to each state
 1088 attorney and public defender; and to the agency head ~~State~~
 1089 ~~Technology Office~~ for the agencies within the executive branch
 1090 of state government.

1091 Section 24. Section 282.3032, Florida Statutes, is
 1092 repealed.

1093 Section 25. Section 282.3055, Florida Statutes, is amended
 1094 to read:

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1095 282.3055 Agency chief information officer; appointment;
1096 duties.--

1097 (1)(a) To assist the agency head ~~State Technology Officer~~
1098 in carrying out information technology ~~the enterprise resource~~
1099 planning and management responsibilities, the agency head ~~Chief~~
1100 ~~Information Officer~~ may appoint or contract for an agency chief
1101 information officer. This position may be full time or part
1102 time.

1103 (b) The agency chief information officer must, at a
1104 minimum, have knowledge and experience in both management and
1105 information technology resources.

1106 (2) The duties of the agency chief information officer
1107 include, but are not limited to:

1108 (a) Coordinating and facilitating agency information
1109 technology ~~enterprise resource~~ planning and management projects
1110 and initiatives.

1111 (b) Preparing the an agency ~~annual~~ information technology
1112 investment portfolio report on enterprise resource planning and
1113 ~~management~~ pursuant to the provisions of s. 282.0051 s.
1114 ~~282.3063.~~

1115 (c) Developing and implementing agency information
1116 technology ~~enterprise resource~~ planning and management policies,
1117 procedures, guidelines, and standards consistent with statewide
1118 policies, procedures, guidelines, and standards, ~~including~~
1119 ~~specific policies and procedures for review and approval of the~~
1120 ~~agency's purchases of information technology resources in~~
1121 ~~accordance with the office's policies and procedures.~~

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1122 (d) Advising agency senior management as to the
1123 information technology enterprise resource planning and
1124 management and the information technology investment needs of
1125 the agency ~~for inclusion in planning documents required by law.~~

1126 (e) Staffing and supporting an agency information
1127 technology investment management process.

1128 ~~(e) Assisting in the development and prioritization of the~~
1129 ~~enterprise resource planning and management schedule of the~~
1130 ~~agency's legislative budget request.~~

1131 Section 26. Section 282.3063, Florida Statutes, is
1132 repealed.

1133 Section 27. Section 282.310, Florida Statutes, is
1134 repealed.

1135 Section 28. Section 282.315, Florida Statutes, is amended
1136 to read:

1137 282.315 Agency Chief Information Officers Council;
1138 creation.--The Legislature finds that enhancing communication,
1139 consensus building, coordination, and facilitation of statewide
1140 enterprise information technology resource planning and
1141 management issues are ~~is~~ essential to improving state management
1142 of such resources.

1143 (1) There is created an Agency Chief Information Officers
1144 Council to:

1145 (a) Enhance communication among the agency chief
1146 information officers and the Florida Technology Council ~~by~~
1147 ~~sharing enterprise resource planning and management experiences~~
1148 ~~and exchanging ideas.~~

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1149 (b) Identify and recommend ~~Facilitate the sharing of~~ best
 1150 practices that are characteristic of highly successful
 1151 technology organizations, as well as exemplary information
 1152 technology applications of state agencies, and assist the
 1153 Florida Technology Council in the development of policies,
 1154 standards, guidelines, and procedures for use by all state
 1155 agencies.

1156 (c) Identify efficiency opportunities among state agencies
 1157 to fulfill the guidelines in s. 282.3032 and make
 1158 recommendations for action to the Florida Technology Council.

1159 (d) Serve as an educational forum for enterprise
 1160 information technology resource planning and management issues.

1161 (e) Identify ~~Assist the State Technology Office in~~
 1162 ~~identifying~~ critical statewide issues and, when appropriate,
 1163 make recommendations to the Florida Technology Council for
 1164 solving information technology enterprise resource planning and
 1165 ~~management~~ deficiencies.

1166 (2) Members of the council shall include the agency chief
 1167 information officers, including the chief information officers
 1168 of the agencies and governmental entities enumerated in s.
 1169 282.3031, except that there shall be one chief information
 1170 officer selected by the state attorneys and one chief
 1171 information officer selected by the public defenders. The
 1172 chairs, or their designees, of the Florida Financial Management
 1173 Information System Coordinating Council, the Criminal and
 1174 Juvenile Justice Information Systems Council, and the Health
 1175 Information Systems Council shall represent their respective
 1176 organizations on the Agency Chief Information Officers Council

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1177 as voting members. The council shall appoint a chair, a vice
 1178 chair, and a secretary from its members to serve a 1-year term
 1179 each. The council shall establish procedures to govern council
 1180 business.

1181 (3) The Florida Technology Council ~~State Technology Office~~
 1182 shall provide administrative support to the council.

1183 Section 29. Section 282.318, Florida Statutes, is amended
 1184 to read:

1185 282.318 Security of data and information technology
 1186 resources.--

1187 (1) This section may be cited as the "Security of Data and
 1188 Information Technology Infrastructure Resources Act."

1189 (2)(a) ~~The State Technology Office, in consultation with~~
 1190 Each agency head, is responsible and accountable for assuring an
 1191 adequate level of security for all data and information
 1192 technology infrastructure resources of each agency and, to carry
 1193 out this responsibility, shall, at a minimum:

1194 1. Designate an information security manager who shall
 1195 administer the security program of each agency for its data and
 1196 information technology resources.

1197 2. Conduct, and periodically update, a comprehensive risk
 1198 analysis to determine the security threats to the data and
 1199 information technology infrastructure resources of each agency.
 1200 The risk analysis information is confidential and exempt from
 1201 the provisions of s. 119.07(1), except that such information
 1202 shall be available to the Auditor General in performing his or
 1203 her postauditing duties.

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1204 3. Develop, and periodically update, written internal
1205 policies and procedures to assure the security of the data and
1206 information technology infrastructure ~~resources~~ of each agency.
1207 The internal policies and procedures which, if disclosed, could
1208 facilitate the unauthorized modification, disclosure, or
1209 destruction of data or information technology infrastructure
1210 ~~resources~~ are confidential information and exempt from the
1211 provisions of s. 119.07(1), except that such information shall
1212 be available to the Auditor General in performing his or her
1213 postauditing duties.

1214 4. Implement appropriate cost-effective safeguards to
1215 reduce, eliminate, or recover from the identified risks to the
1216 data and information technology infrastructure ~~resources~~ of each
1217 agency.

1218 5. Ensure that periodic internal audits and evaluations of
1219 each security program for the data and information technology
1220 infrastructure ~~resources~~ of the agency are conducted. The
1221 results of such internal audits and evaluations are confidential
1222 information and exempt from the provisions of s. 119.07(1),
1223 except that such information shall be available to the Auditor
1224 General in performing his or her postauditing duties.

1225 6. Include appropriate security requirements, as
1226 determined by the agency ~~State Technology Office~~, in
1227 consultation with the Department of Law Enforcement ~~each agency~~
1228 ~~head~~, in the written specifications for the solicitation of
1229 information technology resources.

1230 (b) In those instances in which the department ~~State~~
1231 ~~Technology Office~~ develops state contracts for use by state

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1232 agencies, the department ~~office~~ shall include appropriate
 1233 security requirements in the specifications for the solicitation
 1234 for state contracts for procuring information technology
 1235 infrastructure ~~resources~~.

1236 Section 30. Section 282.322, Florida Statutes, is amended
 1237 to read:

1238 282.322 Special monitoring process for designated
 1239 information resources management projects.--

1240 ~~(1)~~ For each information resources management project
 1241 which is designated for special monitoring in the General
 1242 Appropriations Act, with a proviso requiring a contract with a
 1243 project monitor, the Technology Review Workgroup established
 1244 pursuant to s. 216.0446, in consultation with each affected
 1245 agency, shall be responsible for contracting with the project
 1246 monitor. Upon contract award, funds equal to the contract amount
 1247 shall be transferred to the Technology Review Workgroup upon
 1248 request and subsequent approval of a budget amendment pursuant
 1249 to s. 216.292. With the concurrence of the Legislative Auditing
 1250 Committee, the office of the Auditor General shall be the
 1251 project monitor for other projects designated for special
 1252 monitoring. However, nothing in this section precludes the
 1253 Auditor General from conducting such monitoring on any project
 1254 designated for special monitoring. In addition to monitoring and
 1255 reporting on significant communications between a contracting
 1256 agency and the appropriate federal authorities, the project
 1257 monitoring process shall consist of evaluating each major stage
 1258 of the designated project to determine whether the deliverables
 1259 have been satisfied and to assess the level of risks associated

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1260 with proceeding to the next stage of the project. The major
1261 stages of each designated project shall be determined based on
1262 the agency's information systems development methodology. Within
1263 20 days after an agency has completed a major stage of its
1264 designated project or at least 90 days, the project monitor
1265 shall issue a written report, including the findings and
1266 recommendations for correcting deficiencies, to the agency head,
1267 for review and comment. Within 20 days after receipt of the
1268 project monitor's report, the agency head shall submit a written
1269 statement of explanation or rebuttal concerning the findings and
1270 recommendations of the project monitor, including any corrective
1271 action to be taken by the agency. The project monitor shall
1272 include the agency's statement in its final report, which shall
1273 be forwarded, within 7 days after receipt of the agency's
1274 statement, to the agency head, the inspector general's office of
1275 the agency, the Executive Office of the Governor, the
1276 appropriations committees of the Legislature, the Joint
1277 Legislative Auditing Committee, the Technology Review Workgroup,
1278 the President of the Senate, the Speaker of the House of
1279 Representatives, and the Office of Program Policy Analysis and
1280 Government Accountability. The Auditor General shall also
1281 receive a copy of the project monitor's report for those
1282 projects in which the Auditor General is not the project
1283 monitor.

1284 ~~(2) The Enterprise Project Management Office of the State~~
1285 ~~Technology Office shall report any information technology~~
1286 ~~projects the office identifies as high risk to the Executive~~
1287 ~~Office of the Governor, the President of the Senate, the Speaker~~

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1288 ~~of the House of Representatives, and the chairs of the~~
 1289 ~~appropriations committees. Within the limits of current~~
 1290 ~~appropriations, the Enterprise Project Management Office shall~~
 1291 ~~monitor and report on such high-risk information technology~~
 1292 ~~projects, and assess the levels of risks associated with~~
 1293 ~~proceeding to the next stage of the project.~~

1294 Section 31. Paragraph (a) of subsection (3), subsections
 1295 (4), (5), (7), (9), (10), and (12), and paragraph (a) of
 1296 subsection (13) of section 365.171, Florida Statutes, are
 1297 amended to read:

1298 365.171 Emergency telephone number "911."--

1299 (3) DEFINITIONS.--As used in this section:

1300 (a) "Department Office" means the Department of Management
 1301 Services State Technology Office.

1302 (4) STATE PLAN.--The department office shall develop a
 1303 statewide emergency telephone number "911" system plan. The plan
 1304 shall provide for:

1305 (a) The establishment of the public agency emergency
 1306 telephone communications requirements for each entity of local
 1307 government in the state.

1308 (b) A system to meet specific local government
 1309 requirements. Such system shall include law enforcement,
 1310 firefighting, and emergency medical services and may include
 1311 other emergency services such as poison control, suicide
 1312 prevention, and emergency management services.

1313 (c) Identification of the mutual aid agreements necessary
 1314 to obtain an effective "911" system.

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1315 (d) A funding provision which shall identify the cost
1316 necessary to implement the "911" system.

1317 (e) A firm implementation schedule which shall include the
1318 installation of the "911" system in a local community within 24
1319 months after the designated agency of the local government gives
1320 a firm order to the telephone utility for a "911" system.

1321
1322 The department ~~office~~ shall be responsible for the
1323 implementation and coordination of such plan. The department
1324 ~~office~~ shall adopt any necessary rules and schedules related to
1325 public agencies for implementing and coordinating such plan,
1326 pursuant to chapter 120. The public agency designated in the
1327 plan shall order such system within 6 months after publication
1328 date of the plan if the public agency is in receipt of funds
1329 appropriated by the Legislature for the implementation and
1330 maintenance of the "911" system. Any jurisdiction which has
1331 utilized local funding as of July 1, 1976, to begin the
1332 implementation of the state plan as set forth in this section
1333 shall be eligible for at least a partial reimbursement of its
1334 direct cost when, and if, state funds are available for such
1335 reimbursement.

1336 (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the
1337 department ~~office~~ or his or her designee is designated as the
1338 director of the statewide emergency telephone number "911"
1339 system and, for the purpose of carrying out the provisions of
1340 this section, is authorized to coordinate the activities of the
1341 system with state, county, local, and private agencies. The
1342 secretary ~~director~~ is authorized to employ not less than five

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1343 persons, three of whom will be at the professional level, one at
 1344 the secretarial level, and one to fill a fiscal position, for
 1345 the purpose of carrying out the provisions of this section. The
 1346 secretary ~~director~~ in implementing the system shall consult,
 1347 cooperate, and coordinate with local law enforcement agencies.

1348 (7) TELEPHONE INDUSTRY COORDINATION.--The department
 1349 ~~office~~ shall coordinate with the Florida Public Service
 1350 Commission which shall encourage the Florida telephone industry
 1351 to activate facility modification plans for a timely "911"
 1352 implementation.

1353 (9) SYSTEM APPROVAL.--No emergency telephone number "911"
 1354 system shall be established and no present system shall be
 1355 expanded without prior approval of the department ~~office~~.

1356 (10) COMPLIANCE.--All public agencies shall assist the
 1357 department ~~office~~ in their efforts to carry out the intent of
 1358 this section, and such agencies shall comply with the developed
 1359 plan.

1360 (12) FEDERAL ASSISTANCE.--The secretary of the department
 1361 ~~office~~ or his or her designee may apply for and accept federal
 1362 funding assistance in the development and implementation of a
 1363 statewide emergency telephone number "911" system.

1364 (13) "911" FEE.--

1365 (a) Following approval by referendum as set forth in
 1366 paragraph (b), or following approval by a majority vote of its
 1367 board of county commissioners, a county may impose a "911" fee
 1368 to be paid by the local exchange subscribers within its
 1369 boundaries served by the "911" service. Proceeds from the "911"
 1370 fee shall be used only for "911" expenditures as set forth in

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1371 subparagraph 6. The manner of imposing and collecting said
1372 payment shall be as follows:

1373 1. At the request of the county subscribing to "911"
1374 service, the telephone company shall, insofar as is practicable,
1375 bill the "911" fee to the local exchange subscribers served by
1376 the "911" service, on an individual access line basis, at a rate
1377 not to exceed 50 cents per month per line (up to a maximum of 25
1378 access lines per account bill rendered). However, the fee may
1379 not be assessed on any pay telephone in this state. A county
1380 collecting the fee for the first time may collect the fee for no
1381 longer than 36 months without initiating the acquisition of its
1382 "911" equipment.

1383 2. Fees collected by the telephone company pursuant to
1384 subparagraph 1. shall be returned to the county, less the costs
1385 of administration retained pursuant to paragraph (c). The county
1386 shall provide a minimum of 90 days' written notice to the
1387 telephone company prior to the collection of any "911" fees.

1388 3. Any county that currently has an operational "911"
1389 system or that is actively pursuing the implementation of a
1390 "911" system shall establish a fund to be used exclusively for
1391 receipt and expenditure of "911" fee revenues collected pursuant
1392 to this section. All fees placed in said fund, and any interest
1393 accrued thereupon, shall be used solely for "911" costs
1394 described in subparagraph 6. The money collected and interest
1395 earned in this fund shall be appropriated for "911" purposes by
1396 the county commissioners and incorporated into the annual county
1397 budget. Such fund shall be included within the financial audit
1398 performed in accordance with s. 218.39. A report of the audit

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1399 shall be forwarded to the department ~~office~~ within 60 days of
 1400 its completion. A county may carry forward on an annual basis
 1401 unspent moneys in the fund for expenditures allowed by this
 1402 section, or it may reduce its fee. However, in no event shall a
 1403 county carry forward more than 10 percent of the "911" fee
 1404 billed for the prior year. The amount of moneys carried forward
 1405 each year may be accumulated in order to allow for capital
 1406 improvements described in this subsection. The carryover shall
 1407 be documented by resolution of the board of county commissioners
 1408 expressing the purpose of the carryover or by an adopted capital
 1409 improvement program identifying projected expansion or
 1410 replacement expenditures for "911" equipment and service
 1411 features, or both. In no event shall the "911" fee carryover
 1412 surplus moneys be used for any purpose other than for the "911"
 1413 equipment, service features, and installation charges authorized
 1414 in subparagraph 6. Nothing in this section shall prohibit a
 1415 county from using other sources of revenue for improvements,
 1416 replacements, or expansions of its "911" system. A county may
 1417 increase its fee for purposes authorized in this section.
 1418 However, in no case shall the fee exceed 50 cents per month per
 1419 line. All current "911" fees shall be reported to the department
 1420 ~~office~~ within 30 days of the start of each county's fiscal
 1421 period. Any fee adjustment made by a county shall be reported to
 1422 the department ~~office~~. A county shall give the telephone company
 1423 a 90-day written notice of such fee adjustment.

1424 4. The telephone company shall have no obligation to take
 1425 any legal action to enforce collection of the "911" fee. The
 1426 telephone company shall provide quarterly to the county a list

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1427 of the names, addresses, and telephone numbers of any and all
 1428 subscribers who have identified to the telephone company their
 1429 refusal to pay the "911" fee.

1430 5. The county subscribing to "911" service shall remain
 1431 liable to the telephone company for any "911" service,
 1432 equipment, operation, or maintenance charge owed by the county
 1433 to the telephone company.

1434
 1435 ~~As used in this paragraph, "telephone company" means an exchange~~
 1436 ~~telephone service provider of "911" service or equipment to any~~
 1437 ~~county within its certificated area.~~

1438 6. It is the intent of the Legislature that the "911" fee
 1439 authorized by this section to be imposed by counties will not
 1440 necessarily provide the total funding required for establishing
 1441 or providing the "911" service. For purposes of this section,
 1442 "911" service includes the functions of database management,
 1443 call taking, location verification, and call transfer. The
 1444 following costs directly attributable to the establishment
 1445 and/or provision of "911" service are eligible for expenditure
 1446 of moneys derived from imposition of the "911" fee authorized by
 1447 this section: the acquisition, implementation, and maintenance
 1448 of Public Safety Answering Point (PSAP) equipment and "911"
 1449 service features, as defined in the Florida Public Service
 1450 Commission's lawfully approved "911" and related tariffs and/or
 1451 the acquisition, installation, and maintenance of other "911"
 1452 equipment, including call answering equipment, call transfer
 1453 equipment, ANI controllers, ALI controllers, ANI displays, ALI
 1454 displays, station instruments, "911" telecommunications systems,

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1455 teleprinters, logging recorders, instant playback recorders,
 1456 telephone devices for the deaf (TDD) used in the "911" system,
 1457 PSAP backup power systems, consoles, automatic call
 1458 distributors, and interfaces (hardware and software) for
 1459 computer-aided dispatch (CAD) systems; salary and associated
 1460 expenses for "911" call takers for that portion of their time
 1461 spent taking and transferring "911" calls; salary and associated
 1462 expenses for a county to employ a full-time equivalent "911"
 1463 coordinator position and a full-time equivalent staff assistant
 1464 position per county for the portion of their time spent
 1465 administrating the "911" system; training costs for PSAP call
 1466 takers in the proper methods and techniques used in taking and
 1467 transferring "911" calls; expenses required to develop and
 1468 maintain all information (ALI and ANI databases and other
 1469 information source repositories) necessary to properly inform
 1470 call takers as to location address, type of emergency, and other
 1471 information directly relevant to the "911" call-taking and
 1472 transferring function; and, in a county defined in s.
 1473 125.011(1), such expenses related to a nonemergency "311"
 1474 system, or similar nonemergency system, which improves the
 1475 overall efficiency of an existing "911" system or reduces "911"
 1476 emergency response time for a 2-year pilot project that ends
 1477 June 30, 2003. However, no wireless telephone service provider
 1478 shall be required to participate in this pilot project or to
 1479 otherwise implement a nonemergency "311" system or similar
 1480 nonemergency system. The "911" fee revenues shall not be used to
 1481 pay for any item not listed, including, but not limited to, any
 1482 capital or operational costs for emergency responses which occur

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1483 after the call transfer to the responding public safety entity
 1484 and the costs for constructing buildings, leasing buildings,
 1485 maintaining buildings, or renovating buildings, except for those
 1486 building modifications necessary to maintain the security and
 1487 environmental integrity of the PSAP and "911" equipment rooms.

1488 7. It is the goal of the Legislature that enhanced "911"
 1489 service be available throughout the state. Expenditure by
 1490 counties of the "911" fees authorized by this section should
 1491 support this goal to the greatest extent feasible within the
 1492 context of local service needs and fiscal capability. Nothing in
 1493 this section shall be construed to prohibit two or more counties
 1494 from establishing a combined emergency "911" telephone service
 1495 by interlocal agreement and utilizing the "911" fees authorized
 1496 by this section for such combined "911" service.

1497
 1498 As used in this paragraph, "telephone company" means an exchange
 1499 telephone service provider of "911" service or equipment to any
 1500 county within its certificated area.

1501 Section 32. Paragraph (d) of subsection (2), paragraph (f)
 1502 of subsection (3), subsection (4), paragraph (a) of subsection
 1503 (5), and paragraphs (c) and (d) of subsection (6) of section
 1504 365.172, Florida Statutes, are amended to read:

1505 365.172 Wireless emergency telephone number "E911."--

1506 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The
 1507 Legislature finds and declares that:

1508 (d) The revenues generated by the E911 fee imposed under
 1509 this section are required to fund the efforts of the counties,
 1510 the Wireless 911 Board under the Department of Management

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1511 ~~Services State Technology Office~~, and commercial mobile radio
 1512 service providers to improve the public health, safety, and
 1513 welfare and serve a public purpose by providing emergency
 1514 telephone assistance through wireless communications.

1515 (3) DEFINITIONS.--As used in this section and ss. 365.173
 1516 and 365.174, the term:

1517 (f) "~~Department Office~~" means the Department of Management
 1518 Services State Technology Office.

1519 (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.--The
 1520 department office shall oversee the administration of the fee
 1521 imposed on subscribers of statewide E911 service under
 1522 subsection (8).

1523 (5) THE WIRELESS 911 BOARD.--

1524 (a) The Wireless 911 Board is established to administer,
 1525 with oversight by the department office, the fee imposed under
 1526 subsection (8), including receiving revenues derived from the
 1527 fee; distributing portions of such revenues to providers,
 1528 counties, and the department office; accounting for receipts,
 1529 distributions, and income derived by the funds maintained in the
 1530 fund; and providing annual reports to the Governor and the
 1531 Legislature for submission by the department office on amounts
 1532 collected and expended, the purposes for which expenditures have
 1533 been made, and the status of wireless E911 service in this
 1534 state. In order to advise and assist the department office in
 1535 carrying out the purposes of this section, the board, which
 1536 shall have the power of a body corporate, shall have the powers
 1537 enumerated in subsection (6).

1538 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

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1539 (c) By February 28 of each year, the board shall prepare a
 1540 report for submission by the department ~~office~~ to the Governor,
 1541 the President of the Senate, and the Speaker of the House of
 1542 Representatives which reflects, for the immediately preceding
 1543 calendar year, the quarterly and annual receipts and
 1544 disbursements of moneys in the fund, the purposes for which
 1545 disbursements of moneys from the fund have been made, and the
 1546 availability and status of implementation of E911 service in
 1547 this state.

1548 (d) By February 28, 2001, the board shall undertake and
 1549 complete a study for submission by the department ~~office~~ to the
 1550 Governor, the President of the Senate, and the Speaker of the
 1551 House of Representatives which addresses:

1552 1. The total amount of E911 fee revenues collected by each
 1553 provider, the total amount of expenses incurred by each provider
 1554 to comply with the order, and the amount of moneys on deposit in
 1555 the fund, all as of December 1, 2000.

1556 2. Whether the amount of the E911 fee and the allocation
 1557 percentages set forth in s. 365.173 should be adjusted to comply
 1558 with the requirements of the order, and, if so, a recommended
 1559 adjustment to the E911 fee.

1560 3. Any other issues related to providing wireless E911
 1561 services.

1562 Section 33. Subsections (2), (5), (6), and (9) of section
 1563 445.049, Florida Statutes, are amended to read:

1564 445.049 Digital Divide Council.--

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1565 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is
 1566 created in the Department of Management Services State
 1567 ~~Technology Office~~. The council shall consist of:

1568 (a) The Secretary of Management Services or his or her
 1569 designee ~~chief information officer in the State Technology~~
 1570 ~~Office~~.

1571 (b) The director of the Office of Tourism, Trade, and
 1572 Economic Development in the Executive Office of the Governor.

1573 (c) The president of Workforce Florida, Inc.

1574 (d) The director of the Agency for Workforce Innovation.

1575 (e) The chair of itflorida.com, Inc.

1576 (f) The Commissioner of Education.

1577 (g) The chair of the Network Access Point of the Americas.

1578 (h) A representative of the information technology
 1579 industry in this state appointed by the Speaker of the House of
 1580 Representatives.

1581 (i) A representative of the information technology
 1582 industry in this state appointed by the President of the Senate.

1583 (j) Two members of the House of Representatives, who shall
 1584 be ex officio, nonvoting members of the council, appointed by
 1585 the Speaker of the House of Representatives, one of whom shall
 1586 be a member of the Republican Caucus and the other of whom shall
 1587 be a member of the Democratic Caucus.

1588 (k) Two members of the Senate, who shall be ex officio,
 1589 nonvoting members of the council, appointed by the President of
 1590 the Senate, one of whom shall be a member of the Republican
 1591 Caucus and the other of whom shall be a member of the Democratic
 1592 Caucus.

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1593 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
 1594 SUPPORT COSTS.--The Department of Management Services State
 1595 ~~Technology Office~~ shall provide such administrative and
 1596 technical support to the council as is reasonably necessary for
 1597 the council to effectively and timely carry out its duties and
 1598 responsibilities. All direct and indirect costs of providing
 1599 such support and performing the other duties assigned to the
 1600 Department of Management Services State ~~Technology Office~~
 1601 related to design and implementation of the programs authorized
 1602 by this section may be paid from appropriations authorized to be
 1603 used for such purposes.

1604 (6) POWERS AND DUTIES OF COUNCIL.--The council, through
 1605 the Department of Management Services State ~~Technology Office~~,
 1606 is authorized and empowered to facilitate the design and
 1607 implementation of programs that are aimed at achieving the
 1608 objectives and goals stated in this section. The Department of
 1609 Management Services State ~~Technology Office~~ shall present and
 1610 demonstrate to the council the design characteristics and
 1611 functional elements of each program proposed to be implemented
 1612 to achieve the objectives and goals stated in this section and
 1613 each such program shall be reviewed and approved by the council
 1614 before being implemented. Such programs shall initially be
 1615 implemented as pilot programs in a minimum of six different
 1616 areas of the state to develop model programs that are likely to
 1617 be successful if implemented throughout the state. The areas of
 1618 the state where the pilot programs are implemented shall be
 1619 selected by the council with the objectives of testing the
 1620 merits of the programs in each geographic region of the state

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1621 and providing equal exposure of the programs to urban and rural
1622 communities alike. Implementation of all such pilot and model
1623 programs shall be administered by and through the local
1624 workforce development boards and each such board shall
1625 coordinate and confirm the ready availability and timely
1626 delivery of all elements of such programs to ensure the highest
1627 probability of such programs achieving their intended results.

1628 (9) ANNUAL REPORT.--By March 1 each year, ~~2002~~, the
1629 council, through the Department of Management Services State
1630 ~~Technology Office~~, shall report to the Executive Office of the
1631 Governor, the Speaker of the House of Representatives, and the
1632 President of the Senate the results of the council's monitoring,
1633 reviewing, and evaluating such programs since their inception
1634 and the council's recommendations as to whether such programs
1635 should be continued and expanded to achieve the objectives and
1636 goals stated in this section.

1637 Section 34. This act shall take effect July 1, 2005.